Before the

Federal Communications Commission

Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 98-155
Table of Allotments,	)	RM-9082
FM Broadcast Stations	)	RM-9133
(Alva, Mooreland, Tishomingo, Tuttle, and	)	
Woodward, Oklahoma)	)	

To: Chief, Mass Media Bureau

PETITION FOR RECONSIDERATION

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January 29, 2001

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PETITION FOR RECONSIDERATION

Ralph Tyler ("Tyler"), by his attorneys, and pursuant to Section 1.429 of the Commission's Rules, respectfully requests the Chief, Mass Media Bureau, to reconsider the action of the Chief, Allocations Branch, made under delegated authority in the Report and Order, *Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma,* DA 00-2885, released December 22, 2000, 65 Fed. Reg. 82296, published December 28, 2000 (herein "*R&O*").[1] The *R&O* denied Tyler's petition for rule making that sought to reallot FM Channel 259C3 from Tishomingo to Tuttle, OK, and modify the license of KTSH, Tishomingo, for operation at Tuttle.[2] Tyler shows herein that the Allocations Branch erred in its *R&O*, and that the Bureau should reverse the Branch's action and allot Channel 259C3 to Tuttle as originally proposed. In support thereof, Tyler shows the following:

Background and Summary of Argument

In response to requests by Tyler, licensee of KTSH, Tishomingo, OK, and FM 92 Broadcasters, Inc., licensee of KZME, Woodward, OK, the Commission issued a *Notice of Proposed Rule Making and Orders to Show Cause*, 13 FCC Rcd 25352 (1998), proposing to allot Channel 283C1 to Mooreland, OK and to modify the license of KMZE accordingly; and to reallot Channel 259C3 from Tishomingo to Tuttle, OK and to modify KTSH accordingly. The *Notice* also proposed, as intermediate changes, to downgrade KWFX, Woodward, OK, from its unbuilt allotment on Channel 261C1 to its former allotment on Channel 228A; to substitute Channel 260C1 for Channel 259C1 at Alva, OK, and to modify the license of Station KNID

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[1] As public notice was given on December 28, 2000, pursuant to Section 1.4 of the Rules, this petition is timely filed by January 29, 2001.

[2] While denying Tyler's proposal, the *R&O* allotted FM Channel 283C1 to Mooreland, Oklahoma, as its first local service.

(formerly KXLS), Alva, OK, accordingly; and to allot Channel 292C1 or Channel 228A to Woodward, OK.[3]

The Allocations Branch denied Tyler's proposal because it was unable to find that the proposed reallotment of Channel 259C3 from Tishomingo to Tuttle would result in a preferential arrangement of allotments and thus serve the public interest. The Allocations Branch erroneously rejected Tyler's argument that the issue of removing Tishomingo's sole aural service is moot in view of commencement of operations by new noncommercial educational FM station KAZC, Tishomingo, OK, and thus Tishomingo will continue to receive a local aural service. It appears, that, but for the Allocations Branch's erroneous finding that KAZC does not provide a local aural service to Tishomingo, Tyler's proposal would have been granted. As shown below, this finding is not only unprecedented but also inconsistent with prior Branch and full Commission decisions. Furthermore, the *R&O* conflicts with the Commission's new rules that now require a non-commercial FM station such as KAZC to place a minimum signal strength over its licensed community. In addition, the Bureau should consider KAZC's subsequently filed modification application for facilities that will provide a 70 dBu signal to 100% of Tishomingo and replicate the present KTSH 60 dBu service.

Tyler shows herein why the Bureau should reconsider its action taken by the Allocations Branch and allot Channel 259C3 to Tuttle as its first local service. There was no question left unresolved as to whether Tuttle is a community for allotment purposes or whether the allotment of Channel 259C3 to Tuttle would constitute a first local service to Tuttle.[4] The decision turns on the question of whether the operation of KAZC at Tishomingo satisfies the concerns that

[3] The decision to allot Channel 283C1 to Mooreland moots the issue of whether the license of KWFX, Woodward, should be modified from Channel 261C1 to either Channel 228A or Channel 292C1 (See *R&O* paragraph 18).

[4] The Bureau accepted Tyler's showings as to the qualifications of Tuttle as a community for allotment purposes and that no showing of independence from Oklahoma City was necessary for the reallotment to constitute a first local service to Tuttle.

Tishomingo not be left without a local aural service. Tyler shows herein that under all controlling precedent, KAZC meets the Commission's requirements of providing a local transmission service to Tishomingo, and that, in any event, KAZC's modification application for facilities that will exactly replicate those of KTSH counters the reasons stated in the *R&O* for denying Tyler's proposal.

The Allocations Branch Erred in Failing to Find that KAZC Is a Replacement for the Removal of KTSH

In *Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O")*, 4 FCC Rcd 4870 (1989), *recon. granted in part("Change of Community MO&O")*, 5 FCC Rcd 7094 (1990), the Commission set forth criteria governing the modification of a station's authorization to specify a new community of license. In *Change of Community MO&O* at 7097, the Commission stated that the public has a legitimate expectation that existing service, regardless of whether it is a transmission or reception service, will continue and this expectation is a factor to be weighed independently against the benefits that may result from the reallotment. In applying this standard, the Allocations Branch observed that at the time KAZC's construction permit was granted, there was no requirement that a station operating within the reserved portion of the band (as does KAZC) provide any level of service to its community of license, and that the Commission cannot assume that the population will retain a local transmission service. The Allocations Branch noted that KAZC does not encompass any portion of Tishomingo within its 70 dBu contour and only 23% of those people who receive service from KTSH will be within the KAZC 60 dBu contour. Based on these observations, the Allocations Branch stated, "we do not believe this to be a replacement for the removal of a Dole [sic][5] local service." The Allocations Branch concluded:

[5] Tyler presumes this was a typographical error and means a "sole" local service.

> "It is irrelevant whether Station KAZC can locate its transmitter in the center of Tishomingo, as stated by Tyler. The transmitter site authorized in Station KAZC's construction permit reflects a site 17.6 kilometers (19.9 miles)[6] southwest of Tishomingo, as requested by South Central.[7] Therefore, we believe that Tyler's proposed reallotment of Channel 259C3 from Tishomingo to Tuttle remains a request to remove the community's sole local aural service and thus triggers the same allotment priority, that is, provision of a first local aural service to either community."

The Allocations Branch's determination is inconsistent with its own precedent, and the Allocations Branch has failed to give adequate notice of its new policy.[8] As recently as June 2000, the Commission authorized the reallotment of an FM channel from a community without a remaining commercial station but with a remaining noncommercial educational FM station. In that case, *Everglades City, LaBelle, Estero, and Key West, Florida*, 15 FCC Rcd 9427 (Allocations Branch, June 2, 2000) (herein, "*Estero*"), the Allocations Branch reallotted the Class C3 FM allotment underlying an operating station from LaBelle to Estero, Florida, and modified the Class C3 station's license[9] to operate at Estero. The Allocations Branch made the reallotment even though there was a loss of service to 17,759 listeners of Channel 223C3 at LaBelle because the people in the loss area receive at least five full-time aural services, and are therefore, considered well served. Additionally, in *Estero*, the FCC rejected an argument that service to LaBelle from a noncommercial educational FM station would be inferior to the existing service from the commercial station.

In *Estero*, the Allocations Branch did not raise objections that a noncommercial FM station must place a city-grade signal over the community of license in order to be considered a

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[6] Another error, since 17.6 kilometers does not convert to 19.9 miles. The correct distance is 17.5 kilometers which converts to 10.9 miles. (See engineering study attached).

[7] South Central Oklahoma Christian Broadcasting, Inc.

[8] It is hornbook law that the FCC must give adequate notice before establishing a new precedent. See *Trinity Broadcasting of Florida v. FCC*, 211 F.3d 618 (D.C. Cir. 2000); *Orion Communications, Ltd. v. FCC*, 131 F.3d 176 (D.C. Cir. 1997); *Satellite Broadcasting Co., Inc. v. FCC*, 824 F.2d 1 (D.C. Cir. 1987).

[9] The LaBelle commercial station was operating with temporary Class A facilities.

remaining service. Indeed, non-commercial FM stations were not subject to a minimum city grade signal requirement, until January 19, 2001. Rather, former Rule Section 73.315(a), 47 C.F.R. §73.315(a) provided that:

> "[t]he transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 dB above one uV/m (dBu), or 3.16 mV/m, will be provided over the entire principal community to be served.
>
> Note: The requirements of paragraph (a) of this section do not apply to noncommercial educational FM broadcast stations operating on reserved channels. (Channels 200 through 220)

Thus, there was no signal strength requirement for noncommercial FM stations until the Commission deleted the Note to Section 73.315(a) and adopted new Section 73.515 as follows (effective January 19, 2001)[10]:

> 73.515 NCE FM Transmitter Location
>
> The transmitter location shall be chosen so that, on the basis of effective radiated power and antenna height above average terrain employed, a minimum field strength of 1 mV/m (60 dBu) will be provided over at least 50 percent of its community of license or reach 50 percent of the population within the community.

That change was made because the FCC felt that at least half a community of license should receive protected service on a permanent basis. The FCC specifically recognized that many NCE FM stations operate at lower power levels and may not be able to comply with the 70 dBu commercial FM station principal community coverage requirement. Of critical significance, the Commission stated that: "We believe this modification balances the Commission's mandate under Section 307(b) of the Act with the service, technical, and financial realities of operating

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[10] See *1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules Parts 73 and 74 of the Commission's Rules,* released November 1, 2000, 65 Fed. Reg. 79773, published December 20, 2000, effective January 19, 2001.

NCE FM stations." *Second Report and Order, Streamlining of Radio Technical Rules in Parts 73 and 74*, MM Docket No. 98-93, FCC 00-368, at ¶42 (released November 1, 2000).

The Commission has, therefore, specifically found that a NCE-FM station satisfies Section 307(b) by providing 60 dBu service to 50% of the area or population of its community.

The attached Technical Statement (Attachment A) shows that KAZC currently satisfies this standard; in fact, it covers 100% of Tishomingo with a 60dBu signal. Additionally, the Technical Statement shows that the area of the KTSH 60 dBu contour not served by KAZC is well served by more than five aural services during the day.[11] Finally, as noted below, the proposed modification of the KAZC authorization would provide a 70 dBu signal to all of Tishomingo, even though a signal strength of that magnitude is not required even by the new rules.

The Allocation Branch's Decision Is Inconsistent with Section 307(b) of the Communications Act, FCC Rules and Case Precedent

If left undisturbed, the R&O would conflict with the Communications Act of 1934, as amended, and the Commission's Rules on station location. Section 307 (b) of the Act provides:

> "In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

Section 307(b), then, restricts the Commission's licensing power to States and "communities." Accordingly, since its creation, the Commission has obliged broadcasters to (1) designate a principal community to be served and (2) serve that community. In the case of KAZC, the

[11] 16 or more daytime signals. Over 75% of the area receives 5 or more fulltime services. Only 8,900 persons reside in the area without 5 or more fulltime services. However, the Commission has permitted allotment changes that would reduce the number of nighttime services received in a portion of the loss area where the proposed reallotment would provide the new community's first local aural service. *Healdton, Oklahoma and Krum, Texas*, 14 FCC Rcd 3932 at paragraph 4 (Alloc. Br. 1999). In the instant case, as in the *Healdton* case, no part of the loss area would be a white or gray area at night.

construction permit states on its face that KAZC's "Station Location" is "OK – Tishomingo," which was the "Principal Community" specified in response to Question 2 on page 1 of KAZC's underlying FCC Form 340, Application for Non-Commercial Educational Construction Permit filed January 27, 1997. Therefore, by its action issuing the KAZC construction permit, the Commission found, as a matter of fact and law, that KAZC is authorized for the purpose of providing a local transmission service to Tishomingo.

The *R&O* cannot change the underlying facts. Likewise, the *R&*O cannot be reconciled with express Commission policy to consider non-commercial stations in analyzing proposed license community changes. In the Change of Community *MO&*O, supra, the Commission clarified which stations are relevant for considering a license community change proposal for aural services. In pertinent part, the Commission stated:

> [W]e will examine the availability of FM and AM services. Consistent with Commission precedent, we will consider both daytime and full-time AM stations as local aural transmissions services. Finally, both commercial and non-commercial stations are relevant to our analysis.
>
> Change of Community *MO&O*, *supra*, at paragraph 20 [footnotes omitted].

The *R&*O also contravenes case precedent in *Valley Broadcasters, Inc.*, 5 FCC Rcd 2785 (1990). In *Valley*, the Commission reversed a Review Board Decision, *Kaldor Communications, Inc.*, 98 FCC 2d 292 (Rev. Bd. 1984) which excluded noncommercial educational stations in determining the number of other radio services to underserved areas. The Commission stated (*Valley* at ¶26) that:

> Subsequently, in 1984, after *Kaldor* was decided, the Commission adopted an issue responsive programming rule for noncommercial educational stations that is essentially identical to that applicable to commercial radio stations. *Public Broadcasting*, 98 FCC 2d 746, 755 (1984). Accordingly, there is no question now that all noncommercial educational stations have and obligation to serve the

> significant programming needs of their communities. *Id.* At 752. Therefore, there is no legitimate public interest purpose served in exempting all noncommercial educational station services from transmission service analyses, and we specifically overturn those portions of *Kaldor*, 98 FCC 2d at 294 n. 4, and *FBC*[12], 95 FCC 2d at 260-61 ¶¶10-11, that hold otherwise. [Emphasis supplied]

The R&O ignores this precedent, attempting to return to the good old days of *Kaldor*. Such an action, if allowed to stand, would exceed the authority delegated to the Allocations Branch since it would reverse a full Commission decision.

The Allocations Branch position that to satisfy Section 307(b) the service left behind in the community must replicate the service being removed also ignores its own prior policy. There are many cases where the FCC has removed an FM channel from a community and left behind an inferior service. For example, in *Paul's Valley and Heldton, OK*, 14 FCC Rcd 3932 (Alloc. Br. 1999), a reallotted Class C3 FM station left behind only an AM daytime station as the sole local aural service. The *R&O* does not attempt to explain the departure from the policy in the *Paul's Valley* to allow an inferior service as a satisfactory remaining aural service.

KAZC Has Applied for a Construction Permit to Replicate KTSH So the Allocation Branch's Concerns Have Been Addressed and Met

In light of the errors inherent in the *R&O*, the Allocations Branch should reconsider its action in refusing to reallot Channel 259C3 from Tishomingo to Tuttle. However, should the Bureau reject Tyler's showings of error, in an abundance of caution, the following changed circumstances are shown which address the Commission's concerns in the *R&O*.

Under Section 1.429(b) of the Rules, a petition for reconsideration which relies on facts which have not previously been presented to the Commission will be granted only under certain circumstances, one of which is where the facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present them to the Commission.

[12] *FBC, Inc., 95 FCC 2d 256 (Rev. Bd. 1983).*

That is the case here. On January 26, 2001, South Central filed an application for minor modification of its construction permit for KAZC. Upon grant, KAZC will replicate 100% of the service provided by KTSH. A copy of the construction permit application is attached hereto and incorporated herein by reference.[13] Both KAZC and KTSH operate from the same tower. The construction permit application proposes to raise the KTSH antenna on the same tower and increase power. The attached Technical Statement shows that the service that will be provided by KAZC will, in fact, replicate the service of KTSH. Therefore, the 70 dBu contour of KAZC will encompass 100% of Tishomingo and all the people who receive service from KTSH within the KTSH 60 dBu contour will receive the same level of service from KAZC.

Additionally, the new rules discussed *supra* require that to be licensed to Tishomingo, KAZC must provide 60 dBu service to at least 50% of the area and population of the community. That requirement is also a changed circumstance which resolves the Allocation Branch's concern that the Commission could not assume that the population of Tishomingo will retain a local transmission service.

Conclusion

In summary, the Allocations Branch denied Tyler's proposal based on the mistaken belief that KAZC, in order to provide service to Tishomingo, must provide a 70 dBu service to Tishomingo and that KAZC must replicate the 60 dBu service of KTSH. That was plainly never the law, and the Allocations Branch may not take the draconian step of denying Tuttle a first local aural service without legal support for its action. *Trinity Broadcasting of Florida v.* FCC, 211 F.3d 618 (D.C. Cir. 2000). But even assuming *arguendo* that the Allocations Branch was correct, since release of the *R&O*, changed circumstances have arisen that addresses the concerns raised by the Allocations Branch .

[13] Attachment B.

First, the Commission has replaced the NCE principal community service exemption with a requirement that NCE stations provide primary (60 dBu) service to 50% of the population or area of their communities of license. KAZC presently complies with the new standard, and, in fact serves 100% of Tishomingo with a 60 dBu signal.

Second, Station KAZC has pending an application for minor change to increase power and antenna height such that KAZC would provide city grade coverage to 100% of Tishomingo and replicate 100% of the KTSH signal. Thus, the service provided to the residents of Tishomingo by KAZC would be identical to the service being removed from Tishomingo.

There being no public interest reason remaining to deny Tuttle its own radio station, Tyler respectfully urges the Chief, Mass Media Bureau, to reconsider the action of the Allocations Branch, reverse that action, and reallot Channel 259C3 to Tuttle (1990 population - 2,807) as that community's first aural service and modify the license of KTSH for operation at Tuttle. Tyler again reiterates his previous commitment to reimburse the licensee of KNID, Alva, Oklahoma, for its reasonable and prudent expenses incurred in changing channels from 259C1 to 260C1 at Alva. Tyler also restates that if the Commission should reallot Channel 259C3 from Tishomingo to Tuttle, he will timely file an application for minor change construction permit for

KTSH to operate on Channel 259C3 at Tuttle, and upon grant, he will construct the facilities at Tuttle.

Respectfully submitted,

RALPH TYLER

By: _____

Gary S. Smithwick
Ellen Mandell Edmundson
James K Edmundson
His Attorneys

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January 29, 2001

ATTACHMENT A

PETITION FOR RECONSIDERATION
Ralph Tyler
KTSH Radio Station
Tishomingo, Oklahoma
January 2001

This Technical Exhibit supports the Petition For Reconsideration filed on behalf of Ralph Tyler; licensee of KTSH Radio Station in Tishomingo, Oklahoma. The Petition for Rulemaking requests the assignment of Channel 259C3 to Tuttle, Oklahoma. In denying this petition, the Commission stated that by leaving non-commercial KAZC as Tishomingo's only local service, the area would not be served adequately by KAZC. KAZC operates with an effective radiated power of 1.75 kW with an antenna height above average terrain of 100 meters. Presently KTSH operates as a maximum Class C3 facility.

While the Commission was correct in pointing out that the 70 dBu KAZC signal did not reach Tishomingo, there was no requirement at the time Tyler's Petition For Rulemaking was filed for non-commercial stations to provide city grade coverage of their city of license. The present KAZC 60 dBu contour covers 100% of the community of license and is in accordance with the new rules concerning coverage of a community of license. It was shown in Exhibit #3 filed in January 1997 where the 60 dBu contour covered the entire city. We have re-drawn this contour showing again the 60 dBu contour of KTSH attached as Exhibit #1. This exhibit also shows the comparison with the present KTSH 60 dBu contour.

The distance from the KAZC antenna to the center of Tishomingo is 17.5 km or 10.9 miles, rather than 19 miles as noted in the FCC's Report and Order.

The present KAZC 60 dBu contour covers 8,312 persons while the same KTSH contour covers 36,249 persons. 100% of the area between the two contours receives 16 or more daytime signals. In fact, we have included Exhibit #4 that shows 12 AM signals alone that provide over 100% coverage of the entire area. At night, over 75% of the area receives five or more fulltime services. The remaining 25% of the area or 8,900 persons receive one fulltime FM station and one fulltime AM station. Exhibit #3 shows all aural services providing service to the KTSH 60 dBu contour.

It should be pointed out that with the recent change in 2nd adjacent channel non-commercial allocation rules, KAZC can now increase power and operate as a maximum Class C3 facility (25 kW at

100 meters HAAT). KAZC has filed an application to increase their facilities. The proposed KAZC facilities will be maximum Class C3 just as is the case with KTSH. Therefore the proposed KAZC coverage will be exactly the same as the present KTSH facilities and will replicate the KTSH coverage 100%. See Exhibit #2.

Bromo Communications, Inc.

William G. Brown

William G. Brown
Consultant to Ralph Tyler

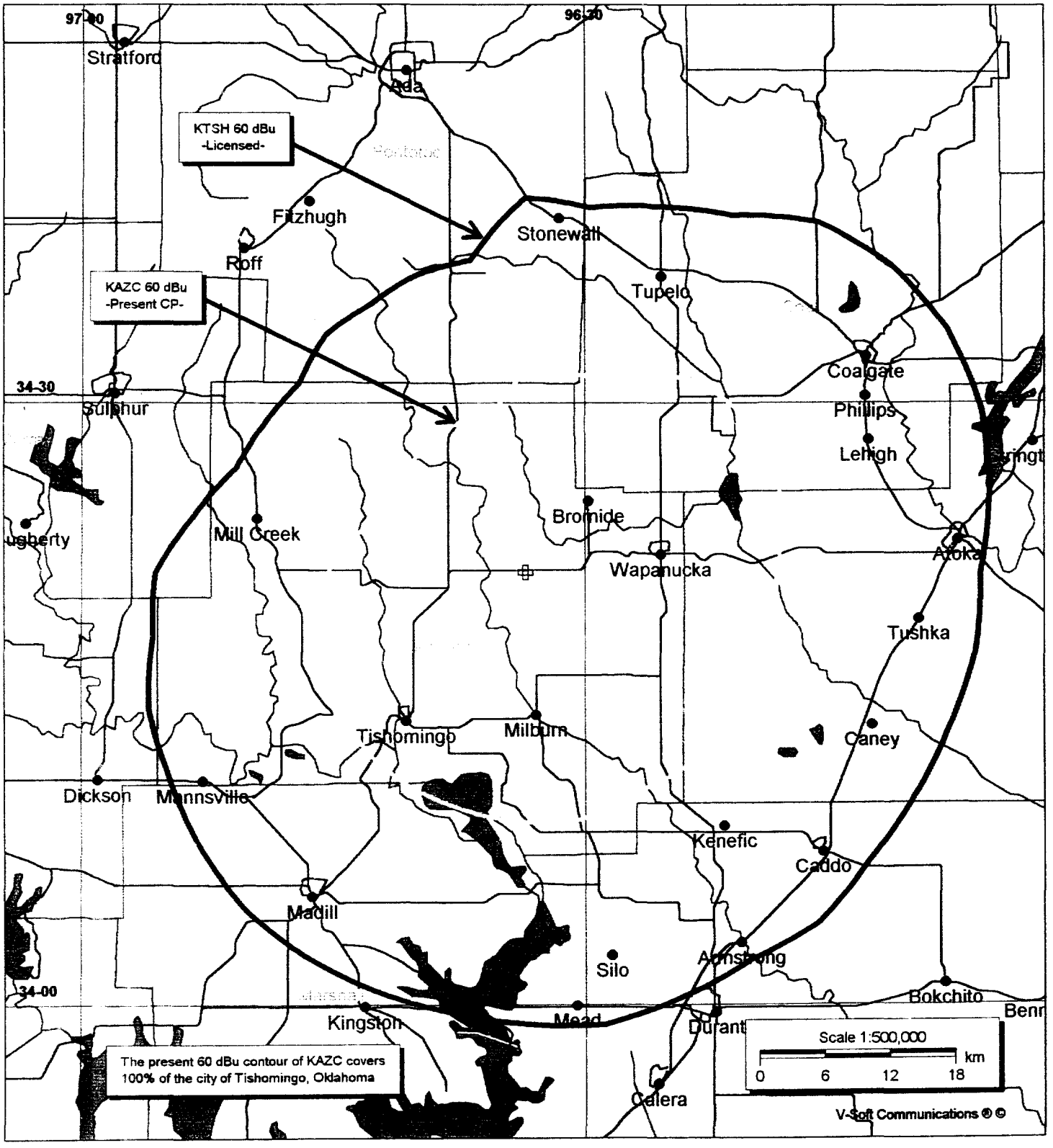


EXHIBIT #1

KTSH - KAZC COMPARISON STUDY

PRESENT 60 dBu CONTOURS

Tishomingo, Oklahoma

Bromo Communications, Inc.

Atlanta, Georgia

January 2001

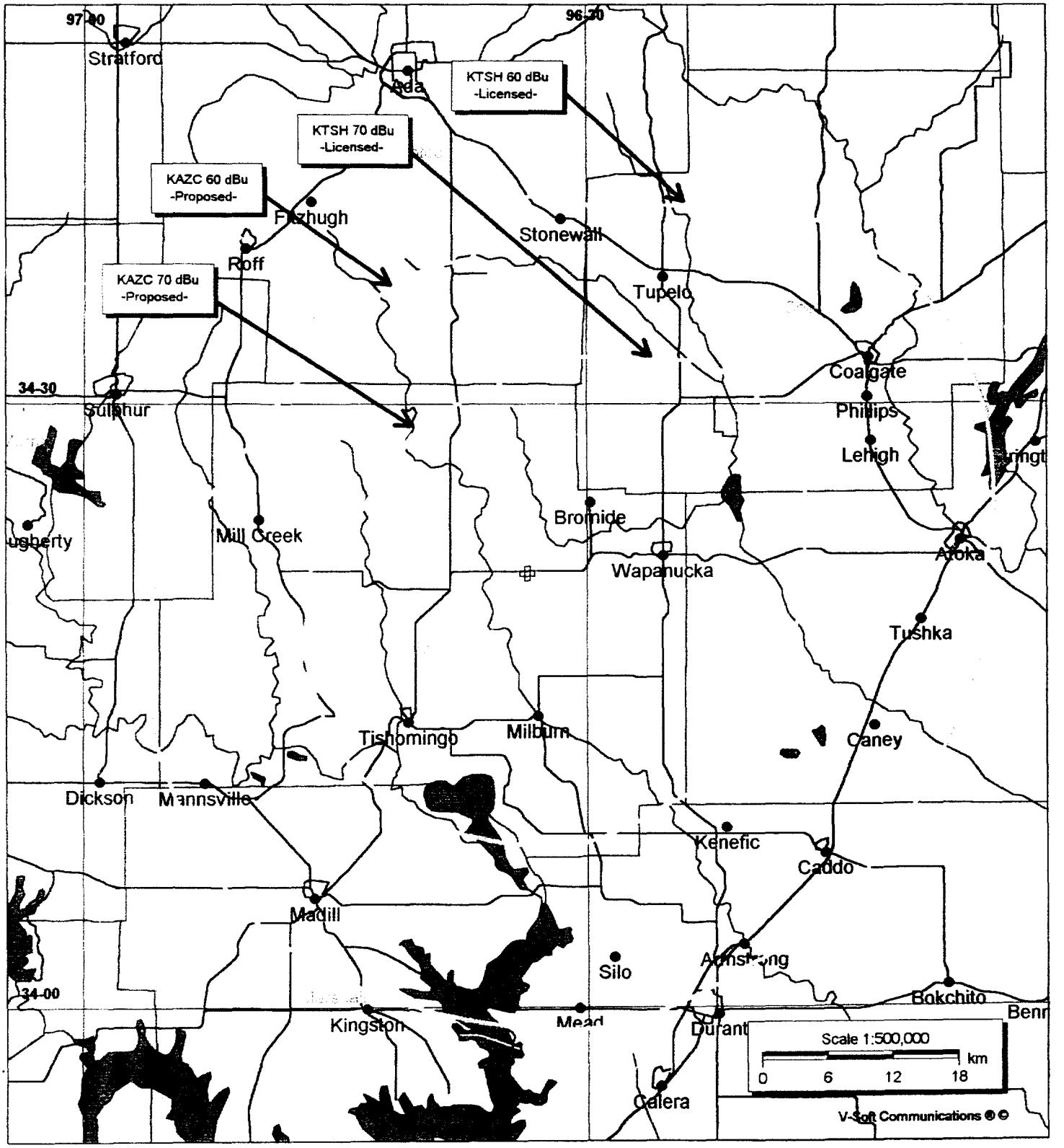


EXHIBIT #2

KTSH - KAZC COMPARISON STUDY

PROPOSED CONTOURS

Tishomingo, Oklahoma

Bromo Communications, Inc.

Atlanta, Georgia

January 2001

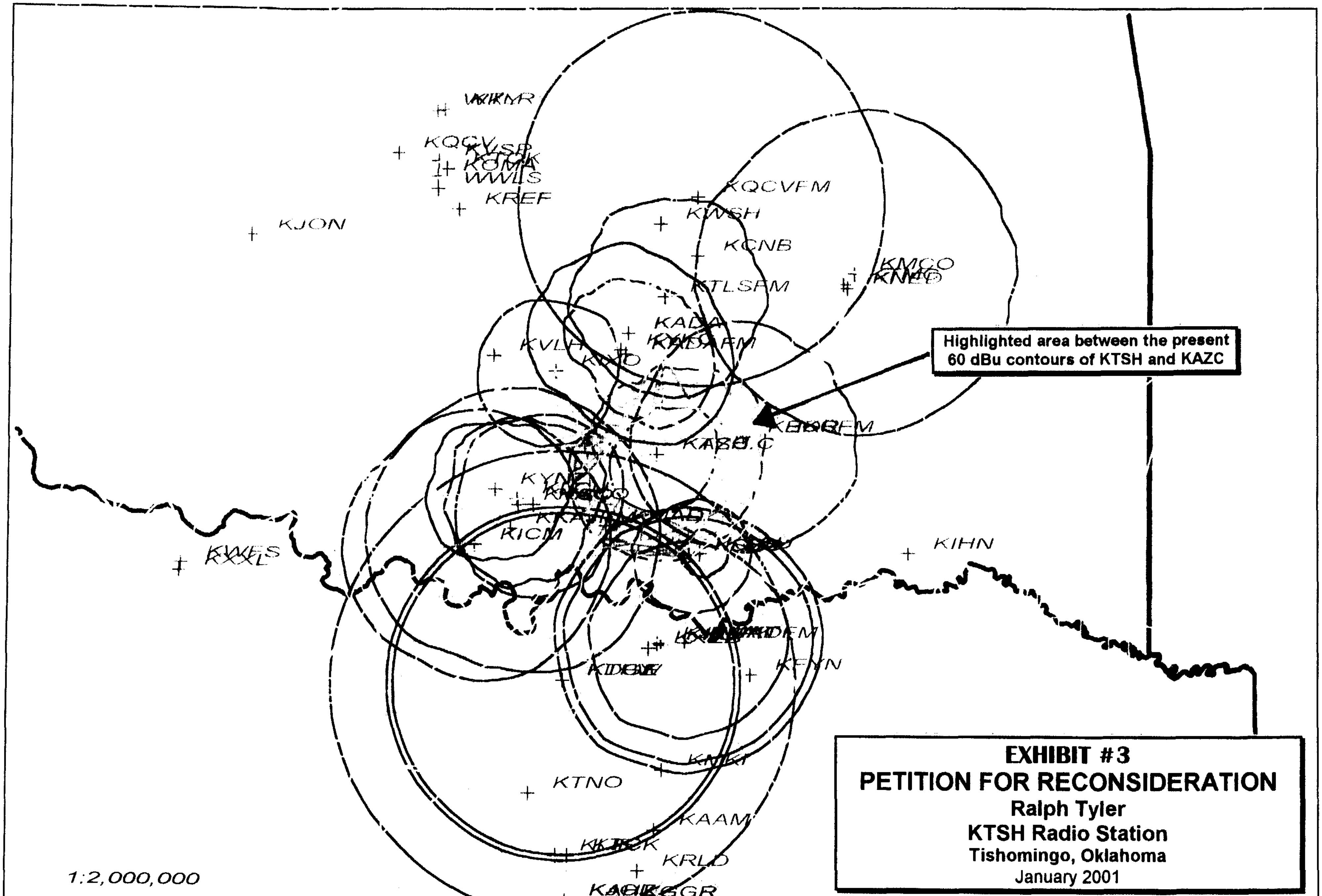
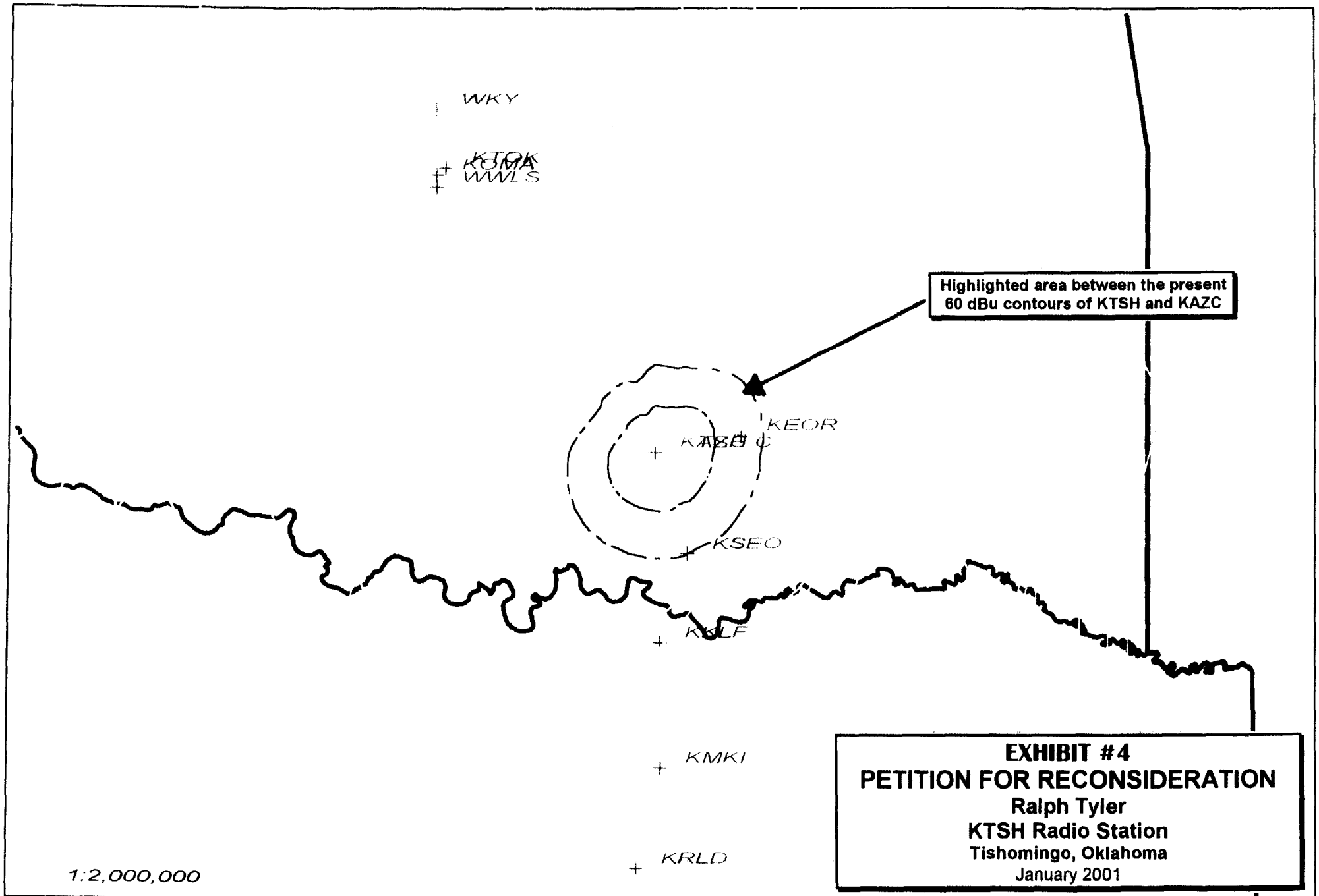


EXHIBIT #3
PETITION FOR RECONSIDERATION
Ralph Tyler
KTSH Radio Station
Tishomingo, Oklahoma
January 2001

Scale in km
0 20 40 60 80

All Aural Services Providing Coverage to the KTSH 60 dBu Contour

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS


WKY
KTOK
KOMA
WWLS
Highlighted area between the present
60 dBu contours of KTSH and KAZC
KEOR
KSEO
KMKI
KRLD
1:2,000,000
EXHIBIT #4
PETITION FOR RECONSIDERATION
Ralph Tyler
KTSH Radio Station
Tishomingo, Oklahoma
January 2001
Scale in km
0 20 40 60 80
AM Stations Providing 100% Daytime
Coverage of the KTSH 60 dBu Contour
BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS

ATTACHMENT B

S/R

Federal Communications Commission
Washington, D. C. 20554

RECEIVED
JAN 26 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Approved by OMB
3060-0034
Expires 11/30/97

FCC 340

APPLICATION FOR CONSTRUCTION PERMIT FOR NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

(Carefully read instructions before filing form) Return only form to FCC

FOR COMMISSION USE ONLY
FILE NO.

Section I - GENERAL INFORMATION

1. Name of Applicant		
South Central Oklahoma Christian Broadcasting, Inc.		
Street Address or P.O. Box		
P.O. Box 1343, Ada, OK 74820		
City	State	ZIP Code
Ada	OK	74820
Telephone Number *(include Area Code)*		
580/332-0902		

Send notices and communications to the following person at the address below:		
Name		
Randall Christy		
Street Address or P.O. Box		
P.O. Box 1343, Ada, OK 74820		
City	State	ZIP Code
Ada	OK	74820
Telephone Number *(include Area Code)*		
580/456-7796		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency	(b) Principal Community	City	State
88.3		Tishomingo	OK

(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit; call sign: _____

☒ MINOR modification of construction permit; call sign: KAZC

File No. of construction permit; call sign: BPED970127MD

☐ AMENDMENT to pending application: Application File Number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

February 1992 edition useable.

SECTION V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ SSB Referral Date _____ Referred By _____

Name of Applicant
South Central Oklahoma Christian Broadcasting, Inc.

Call Letters *(if issued)*	Is this application being filed in response to an application filing window? ☐ Yes ☒ No If Yes, specify closing date: _____
KAZC	

Purpose of Application: *(check appropriate boxes)*

- ☐ Construct a new (main) facility
- ☐ Construct a new auxiliary backup facility
- ☒ Modify existing construction permit for main facility
- ☐ Modify existing construction permit for auxiliary backup facility
- ☐ Modify licensed main facility
- ☐ Modify licensed auxiliary backup facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- ☐ Antenna supporting structure height
- ☐ Effective radiated power
- ☐ Antenna height above average terrain
- ☐ Frequency
- ☐ Antenna location
- ☐ Class
- ☐ Main Studio location per 47 C.F.R. Section 73.1125(b)(2)
- ☒ One-Step processing
- ☐ Directional Antenna
- ☐ Other *(summarize briefly)*

File Number(s) **BPED-19970127MD**

1. Allocation:

Channel No.	Principal community to be served:		
	County	City or Town	State
202	**Johnston**	**Tishomingo**	**OK**

Class *(check only one box below)*
☐ A ☐ B1 ☐ B ☒ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.
   (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.
   6.76 kilometers East of State Highway 99 on State Highway 7 near Bromide, Johnston County, Oklahoma

   (b) Geographical coordinates *(to nearest second)*. If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed. *(The Commission requires coordinates based on NAD 27.)*

Latitude	34 °	21 '	34 "	Longitude	96 °	33 '	34 "

3. Will the antenna be mounted on an antenna structure which has been registered with the Commission? ☒ Yes ☐ No

   If Yes, provide the seven digit registration number and proceed to item 8. **1011425**

4. Has the owner of the antenna structure filed an application for registration with the Commission? ☐ Yes ☐ No

   If yes, provide the date FCC Form 854 was filed and proceed to item 8. _____

5. Applicant certifies that antenna structure meets 6.10 meter (20 feet) exception rule and therefore does not require registration. In other words, the overall height of the entire structure is not more than 6.10 meters (20 feet) above the ground or the antenna does not extend more than 6.10 meters (20 feet) above a man-made structure (structure built for a purpose other than mounting an antenna, i.e., building, water tank, silo, fire tower, etc.). ☐ Yes ☐ No

   If yes, skip items 6 and 7.

6. Antenna structure will be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town or settlement where it is evident beyond all reasonable doubt that the structure is so shielded that it will not adversely affect safety in air navigation. ☐ Yes ☒ No

   If yes, submit as an Exhibit a detailed explanation and/or diagram to support your claim and skip to item 8. Exhibit No. _____

7. Antenna structure does not meet FAA notification criteria as defined under 47 C.F.R. Section 17.7 and therefore does not require registration. ☐ Yes ☐ No

8. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

   If Yes, give call letter(s) or file number(s) or both. **KTSH (FM), KTEN (TV)**

   If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. _____

9. Does the application propose to correct previous site coordinates? ☐ Yes ☒ No

   If Yes, list old coordinates.

Latitude ° ' "	Longitude ° ' "

10. Has the FAA been notified of the proposed construction? ☐ Yes ☒ No

    If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. **Existing tower / 83-SW-2240** Exhibit No. _____

    Date _____ Office where filed **Southwest Region**

11. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	**None**		
(b)			

Section V-B - FM BROADCAST ENGINEERING DATA (Page 3)

12. (a) Elevation: *(to the nearest meter)*

(1) Of the site above mean sea level; **268** meters

(2) Of the top of supporting structure above ground *(including antenna, all other appurtenances, and lighting, if any);* and **445** meters

(3) Of the top of supporting structure above mean sea level [(a)(1) + (a)(2)]. **713** meters

(b) Height of radiation center: *(to the nearest meter)* H = Horizontal; V = Vertical

(1) Above ground; **78** meters (H)

78 meters (V)

(2) Above mean sea level [(a)(1) + (b)(1)]; and **346** meters (H)

346 meters (V)

(3) Above average terrain. **100** meters (H)

100 meters (V)

13. Attach as an Exhibit sketch(es) of the supporting structure, labeling all elevations required in Question 12 above, except item 12(b)(3). If mounted on an AM directional array element, specify heights and orientations of all array towers, as well as location of FM radiator. Exhibit No. **1**

14. Effective Radiated Power:

(a) ERP in the horizontal plane **25** kw (H*) **25** kw (V*)

Is beam tilt proposed? ☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevation plot of radiated field. Exhibit No. **n/a**

_____ kw (H*) _____ kw (V*)

*Polarization

15. Is a directional antenna proposed? ☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s), and tabulations of horizontally and vertically polarized radiated components in terms of relative field. Exhibit No. **n/a**

16. Will the main studio be located within the 70 dBu or 3.16 mV/m contour? ☒ Yes ☐ No

If No, attach as justification an Exhibit pursuant to 47 C.F.R. Section 73.1125. Exhibit No. **n/a**

17. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any protected or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference? ☒ Yes ☐ No

Blanketing Calculation Statement is Exhibit #2A

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued f necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Section 73.315(b), 73.316(d) and 73.318.)*

Exhibit No. **2B**

18. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction D for Section V. Further, the map must clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers. **Existing tower - On file as KTEN (TV)**

Exhibit No. **n/a**

19. Attach as an Exhibit (name the source) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. **3**

(a) The proposed transmitter location, and the radials along with profile graphs have been prepared;

(b) The 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mv/m contour; and

(c) The legal boundaries of the principal community to which the station is or will be licensed.

20. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mv/m contour.

Area **4,515.33** sq. km. Population **36,249**

21. Attach as an Exhibit a map *(Sectional Aeronautical charts where obtainable)* showing the present and proposed 1 mv/m (60 dbu) contours. **Not Applicable**

Enter the following from Exhibit above:

Gain Area _____ sq. km.
Loss Area _____ sq. km.
Present Area _____ sq. km.

Percent change (gain area plus loss area as divided by present area times 100%) _____

If 50% or more, this constitutes a major change. Indicate in question 2(c), Section 1, accordingly. See 47 C.F.R. Section 73.3573(a)(1).)

Section V-B - FM BROADCAST ENGINEERING DATA (Page 5)

22. For an application involving an auxiliary backup facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* which shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. **n/a**

(a) the proposed auxiliary 1 mv/m contour; and

(b) the 1 mv/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license. See 47 C.F.R. Section 73.1675.

File No. _____

23. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☐ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: **NGDC** _____)

☒ Linearly interpolated 3-second database ☐ Other (summarize)

Are more than eight radials being used to calculate HAAT? ☐ Yes ☒ No

If Yes, specify how many radials are being used. Please note the radials must be evenly spaced and start with the 0 degree radial. _____

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)	If operating on Commercial Channel 3.16 mv/m contour (kilometers)
0	**77.3**	**34.8**	
45	**132.9**	**43.7**	
90	**118.3**	**41.8**	
135	**119.0**	**41.9**	
180	**118.9**	**41.9**	
225	**106.8**	**40.2**	
270	**74.5**	**34.3**	
315	**52.2**	**29.1**	

Allocation Studies

(See Subpart C of 47 C.F.R. Part 73)

24. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico? ☐ Yes ☒ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

Exhibit No. **n/a**

25. Is the proposed antenna location within 320 kilometers of the common border between the United States and Canada? ☐ Yes ☒ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under the Canada-United States FM Agreement of 1947. Exhibit No. n/a

26. If the proposed operation is for a full service or Class D facility for a channel in the range from Channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a Class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of prohibited overlap of contours with other U.S. stations. The allocation study should include the following: Exhibit No. 4A-4B

(a) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths;

(b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused;

(c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received;

(d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference;

(e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities;

(f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof;

(g) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified; and

(h) The name of the map(s) used in the Exhibit(s).

27. With regard to any stations separated by 53 or 54 channels (10.6 or 10.8 MHz), attach as an Exhibit information required in 1/ (separation requirements involving intermediate frequency (i.f.) interference). Exhibit No. n/a

28. (a) Is the proposed operation on Channel 218, 219 or 220? ☐ Yes ☒ No

(b) If the answer to (a) is Yes, does the proposed operation satisfy the requirements of 47 C.F.R. Section 73.207? ☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit information required in 1/ regarding separation requirements with respect to stations on Channels 221, 222 and 223. Exhibit No. n/a

(d) If the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose. Exhibit No. n/a

1/ A showing that the proposed operation meets the minimum distance separation requirements of 47 C.F.R. Section 73.507. Include existing stations, proposed stations, and cities which appear in the Table of Allotments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No. n/a

(1) Protected and interfering contours, in all directions (360 degrees), for the proposed operation;

(2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as transmitter location;

(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur;

(4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s).(Sufficient lines should be shown so that the location of the sites may be verified.); and

(5) The official title(s) of the map(s) used in the Exhibit(s).

29. Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 6 station(s) as defined in 47 C.F.R. Section 73.525?

☒ Yes ☐ No

If Yes, attach as an Exhibit either a TV Channel 6 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station.

Exhibit No. 5

30. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1 through 107.9 MHz)?

☐ Yes ☒ No

If Yes, attach as an Exhibit information required in 1/. (Except for Class D (secondary) proposals.)

Exhibit No. n/a

31. Environmental Statement. *(See 47 C.F.R. Section 1.1301 et seq.)*

(a) Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact?

☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

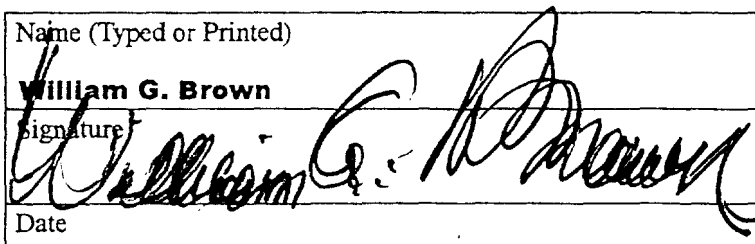
Exhibit No. n/a

(b) If No, explain briefly why not.
Categorically excluded from environmental processing under the provision of Section 1.1306. Radiofrequency Radiation Calculation Statement is Exhibit #6.

(c) Pursuant to OST/OET Bulletin No. 65, the applicant must explain in an Exhibit what steps will be taken to limit the RF radiation exposure to the public and to persons authorized access to the tower site. In addition, where there are multiple contributors to radiofrequency radiation, you must certify that the established RF radiation exposure procedures will be coordinated with all stations.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) **William G. Brown**	Relationship to Applicant (e.g., Consulting Engineer) **Technical Consultant**
Signature 	Address (include ZIP Code) **P.O. Box 191747** **Atlanta, GA 31119-1747**
Date **January 18, 2001**	Telephone No. (include Area Code) **404-266-2257**

C3 UPGRADE APPLICATION
KAZC Radio Station
Channel 202C3 – 100 meters HAAT
Tishomingo, Oklahoma
January 2001

INTRODUCTION

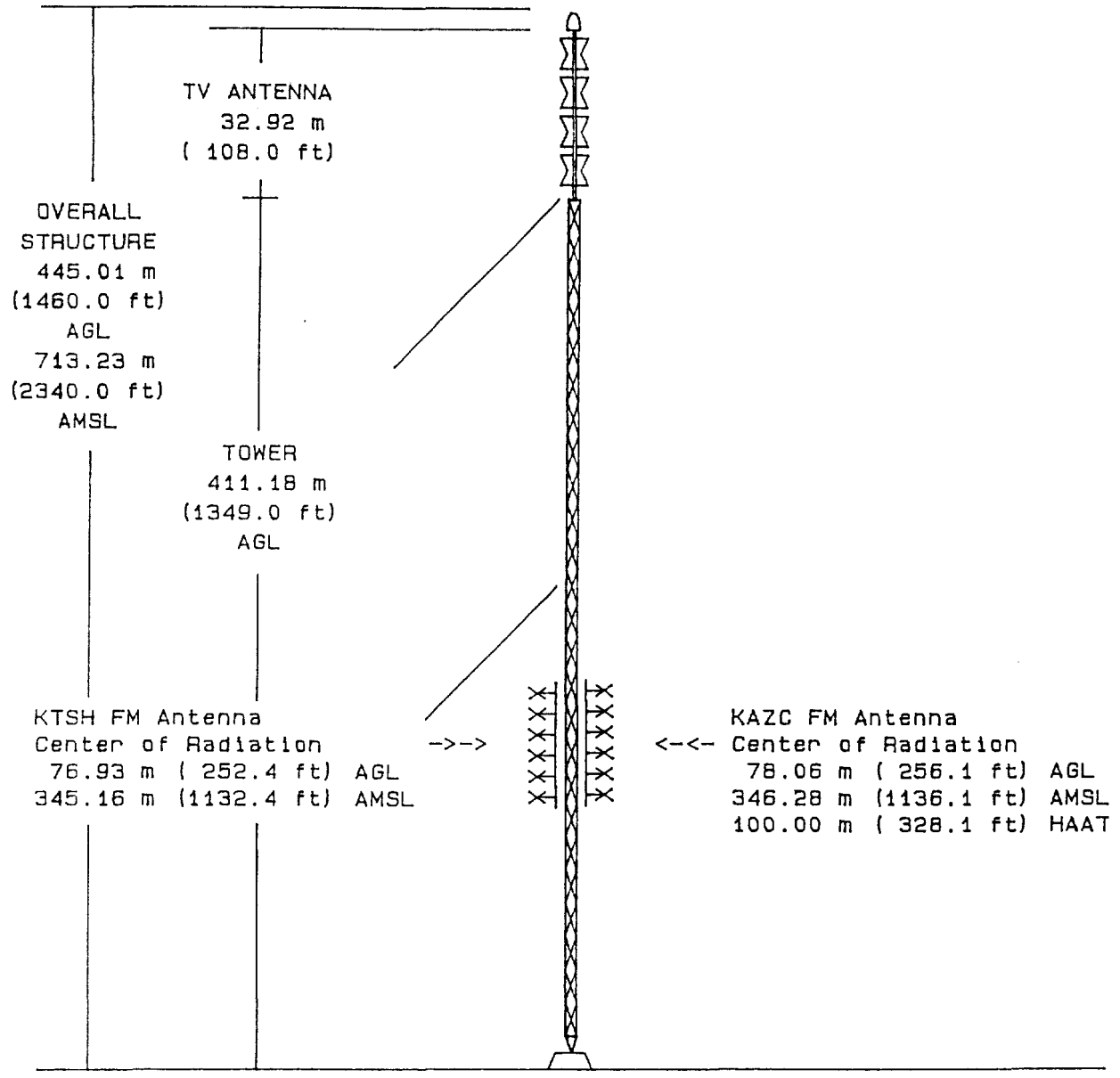
This Technical Exhibit supports the modification of Construction Permit (bped-19970127MD) for KAZC Radio Station to upgrade from a Class A to a Class C3 facility. It is proposed to increase power to 25 kW at 100 meters height above average terrain.

The upgrade is made possible with the implementation of MM Docket No. 98-93. This proposal assumes the new second adjacent channel interfering and protected contours for non-commercial stations as contained in this document.

All contours assume the 3-second terrain database.

As is the current condition for KAZC, the proposed antenna will be located adjacent to KTSH (Channel 259C3, also at Tishomingo). With the present Class A situation, no interference was created to KTSH or in the reverse, no interference was received from KTSH. We understand that the increase in power of KAZC may create or receive interference from being located near KTSH. In the event that it is determined that interference is created by this proposal, KAZC will ensure that the necessary filters are installed in both stations to eleminate interference in accordance with the Commission's Rules.

The proposed facility will provide a greater than 60 dBu contour over the entire city of license as provided for in MM Docket No. 98-93.



Vertical Plan Sketch

SITE ELEVATION - 268 m (880 ft) AMSL

TOP OF STRUCTURE - 445 m (1460 ft) AGL
713 m (2340 ft) AMSL

FM Antenna COR - 78 m (256 ft) AGL
346 m (1136 ft) AMSL
100 m (328 ft) HAAT

FIGURES ROUNDED TO NEAREST METER (FOOT).

EXHIBIT #1
C3 Upgrade Application
KAZC (FM)
Channel 202C3 – 88.3 mHz
25 kW ERP – 100 m HAAT
Tishomingo, Oklahoma
January 2001

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS

C3 Upgrade Application
KAZC (FM)
Channel 202C3 – 88.3 mHz
25 kW ERP – 100 m HAAT
Tishomingo, Oklahoma

EXHIBIT #2A

FM BLANKETING CONTOUR CALCULATION

The blanketing contour of this proposal is determined using the following formula as defined in §73.318 of the Commission's Rules:

$$D = 0.394 * SQR (P)$$

Where D = distance to blanketing contour in kilometers
P = ERP in kW of the station

The proposed ERP is 25 kW yielding a blanketing contour 1.97 kilometers from the tower.

While there may be some sparsely populated area within the blanketing contour, it is the experience of this firm that very little, if any, blanketing interference will be evidenced by the grant of this proposal. The applicant will follow the guidelines of §73.318 and good engineering practice to address blanketing complaints to the Commission's satisfaction.

C3 Upgrade Application
KAZC (FM)

Channel 202C3 – 88.3 mHz
25 kW ERP – 100 m HAAT
Tishomingo, Oklahoma

EXHIBIT #2B

NEARBY STATIONS

There are no proposed or authorized FM or TV transmitters or any non-broadcast radio stations within 60 meters of the site proposed herein. There are no known established commercial or government receiving stations, cable head-end facilities or heavily populated areas within the blanketing contour.

There are no AM stations within 5 kilometers of the proposed site.

Within 10 kilometers of the proposed site are the following facilities:

FM STATIONS WITHIN 10 KILOMETERS

CHANNEL	KM	MILES	BEARING	STATUS	POWER	CALL	CITY	STATE
259C3	0.00	0.00	0.00	Licensed	25 kW	KTSH	Tishomingo	OK

TV STATIONS WITHIN 10 KILOMETERS

CHANNEL	KM	MILES	BEARING	STATUS	POWER	CALL	CITY	STATE
10+	0.00	0.00	0.00	Licensed	316 kW	KTEN	Ada	OK

It is the experience of Bromo Communications that no adverse effect to any nearby station will occur from the construction proposed herein. In the unlikely event that there is unexpected interference, the applicant will use good engineering practices to the Commission's satisfaction.

Bromo Communications, Inc.
Atlanta, Georgia
January 2001

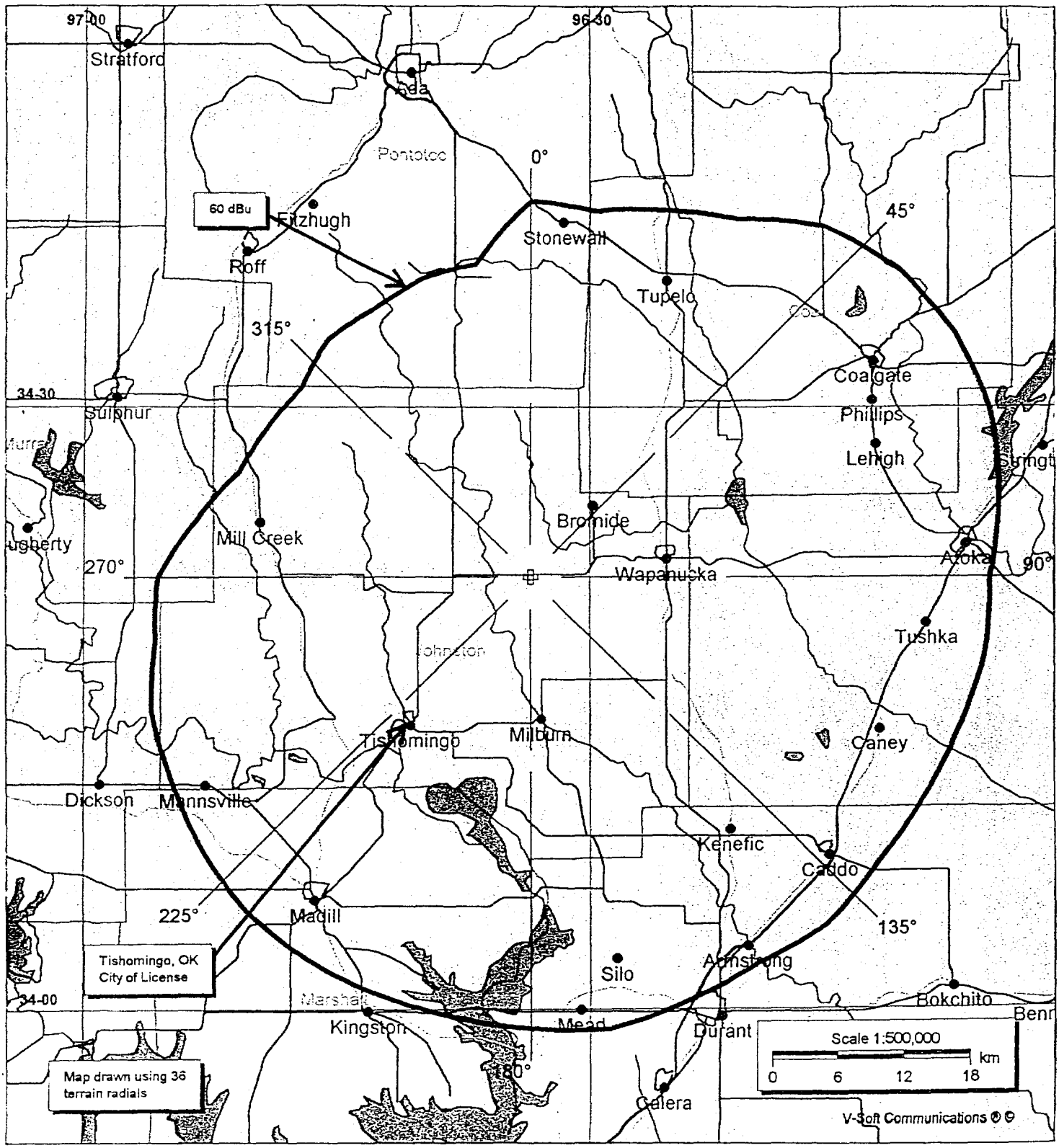


EXHIBIT #3

PROPOSED CONTOUR

KAZC (FM)

Channel 202C3 - 88.3 mHz

25 kW ERP - 100 m HAAT

Tishomingo, Oklahoma

Bromo Communications, Inc.

Atlanta, Georgia

January 2001

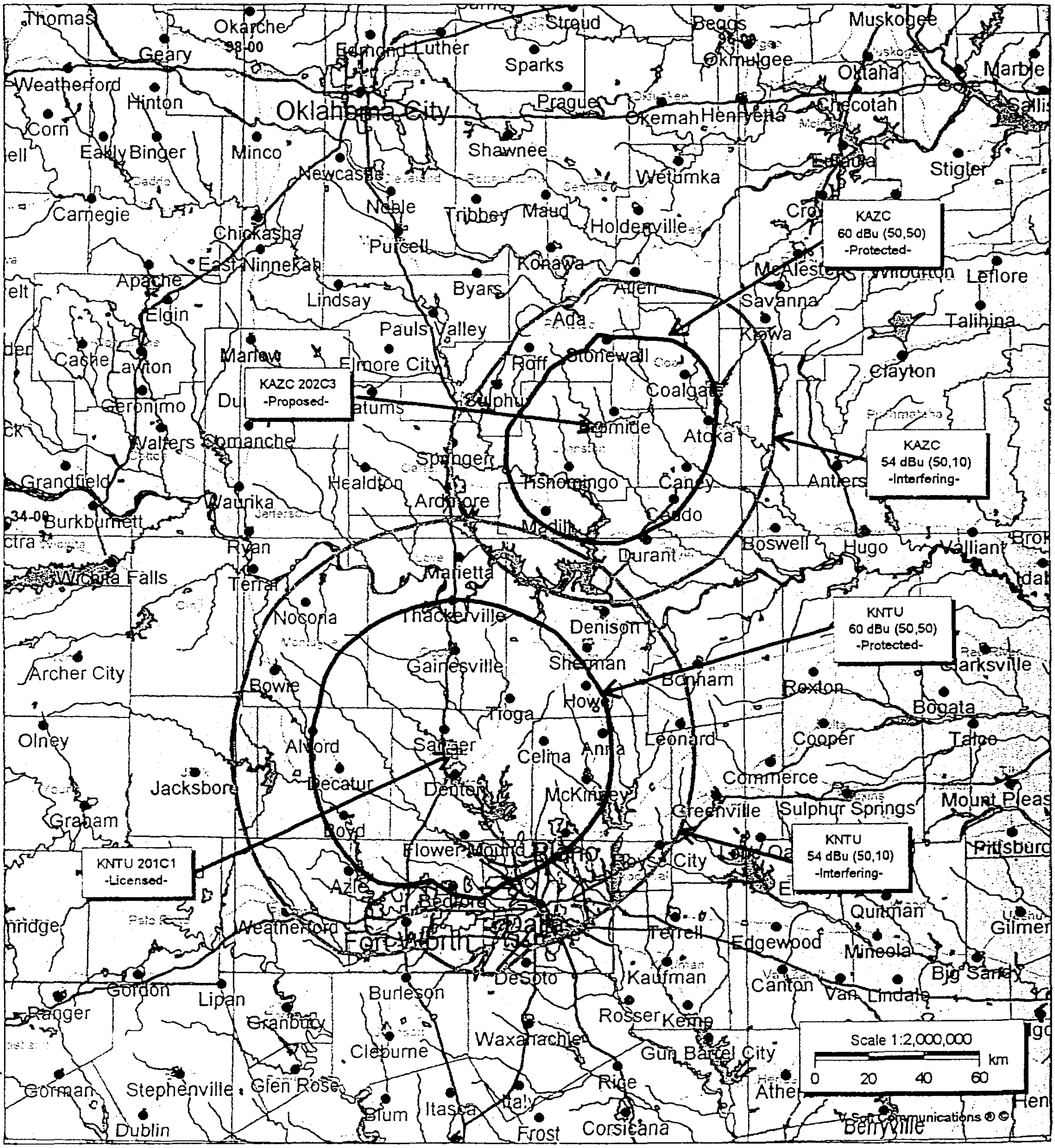


EXHIBIT #4A

SECTION 73.509 CLEARANCE TO KNTU

KAZC (FM)

Channel 202C3 - 88.3 mHz

25 kW ERP - 100 m HAAT

Tishomingo, Oklahoma

Bromo Communications, Inc.

Atlanta, Georgia

January 2001

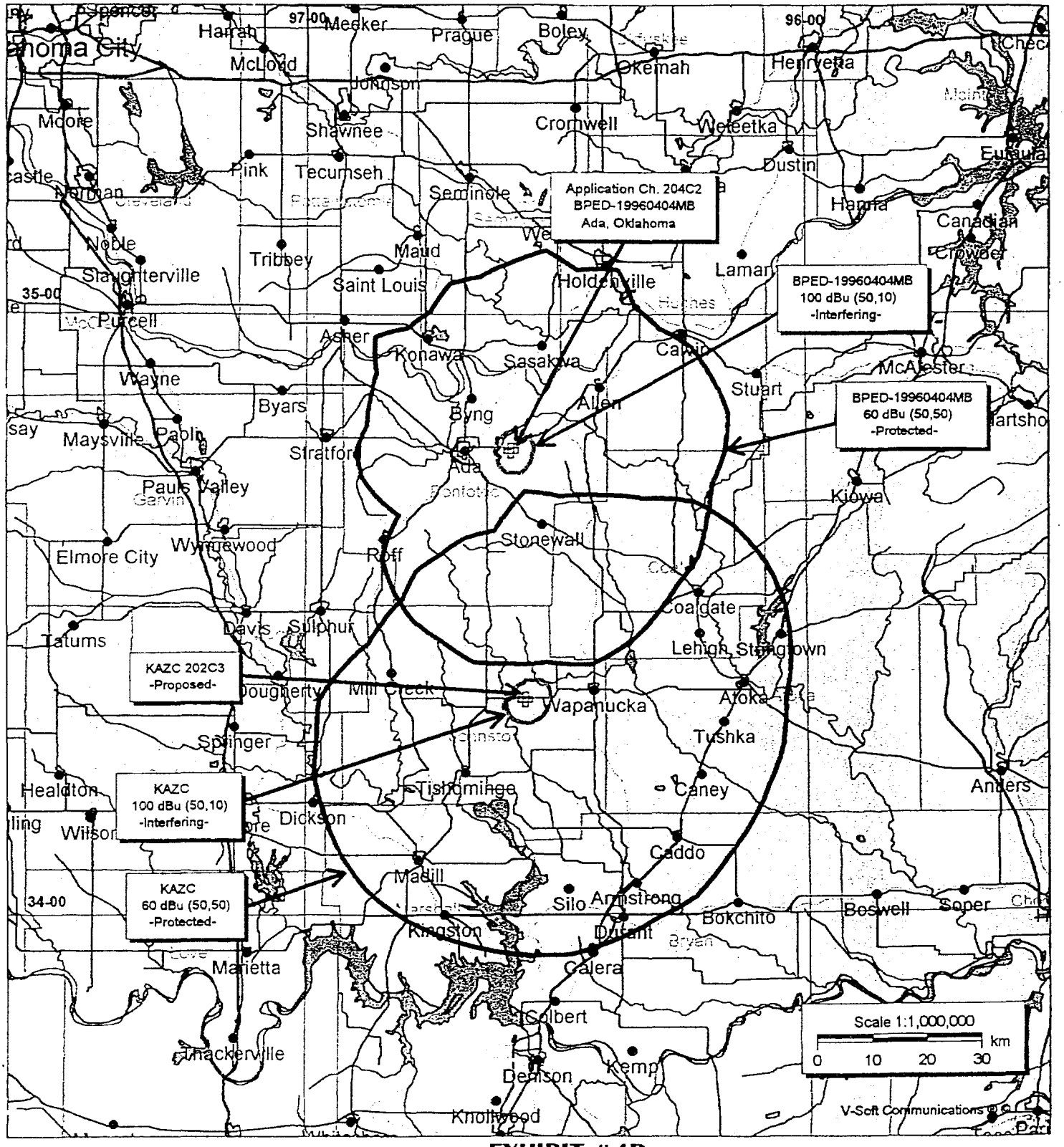


EXHIBIT #4B
SECTION 73.509 CLEARANCE TO APP. BPED-19960404MB
KAZC (FM)

Channel 202C3 - 88.3 mHz
25 kW ERP - 100 m HAAT
Tishomingo, Oklahoma

Bromo Communications, Inc.
Atlanta, Georgia
January 2001

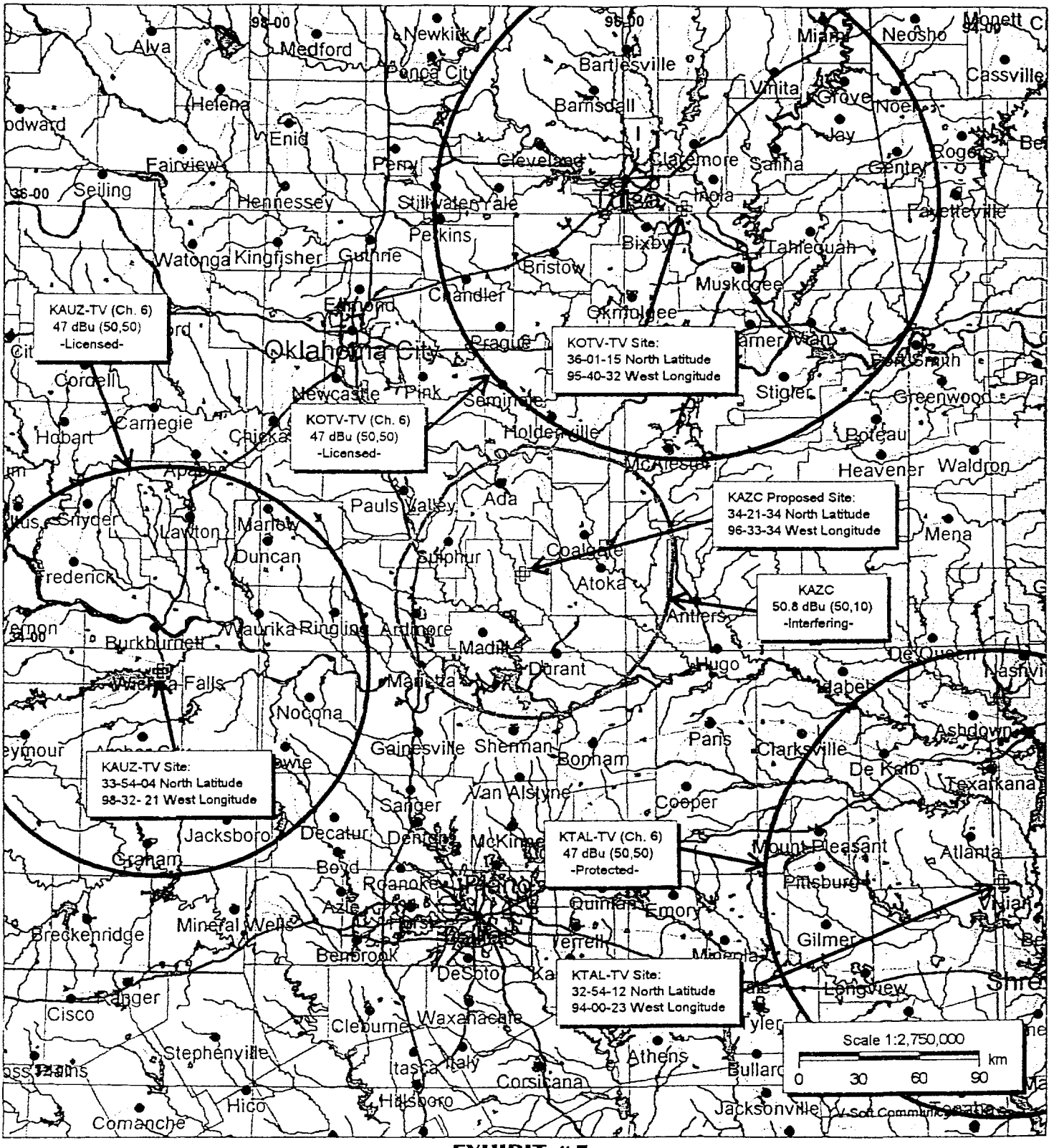


EXHIBIT #5
SECTION 73.525 CLEARANCE STUDY
KAZC (FM)
Channel 202C3 - 88.3 mHz
25 kW ERP - 100 m HAAT
Tishomingo, Oklahoma

Bromo Communications, Inc.
Atlanta, Georgia
January 2001

C3 Upgrade Application
KAZC (FM)
Channel 202C3 – 88.3 mHz
25 kW ERP – 100 m HAAT
Tishomingo, Oklahoma

EXHIBIT #6

RADIOFREQUENCY RADIATION STUDY AND STATEMENT

This radiofrequency radiation study is being conducted to determine whether this proposal is in compliance with OET Bulletin Number 65, dated August 1997, regarding human exposure to radiofrequency radiation in the vicinity of broadcast towers. This study considers all nearby contributing stations and utilizes the appropriate formulas contained in the OET Bulletin.

The 6-bay Jampro JMPC-6X antenna system will be mounted with its center of radiation 78.06 meters (256.1 feet) above the ground at the proposed tower location and operate with an effective radiated power of 25 kilowatts in both the horizontal and vertical plane (circularly polarized). At two meters, the height of an average person, above the ground at the base of the proposed tower, this proposal will contribute, best case, 19.19 microwatts/sq. centimeter or 9.6% of the allowable ANSI limit.

The 6-bay Jampro JMPC-6X antenna system of co-located KTSH is mounted with its center of radiation at 76.93 meters (252.4 feet) above ground level and operates with an effective radiated power of 25 kilowatts in the horizontal and vertical planes (circularly polarized). At two meters, the height of an average person above the ground at the base of the proposed tower, KTSH contributes, best case 19.76 microwatts/sq. centimeter or 9.88% of the allowable ANSI limit.

Co-located KTEN (TV) is mounted with its center of radiation at 427.64 meters (1403 feet) above ground level and operates with an effective radiated power of 316 kilowatts in the horizontal plane. At two meters, the height of an average person above

the ground at the base of the tower, KTEN (TV) contributes, worst case 28.86 microwatts/sq. centimeter or 14.43% of the allowable ANSI limit.

Adding the radiofrequency radiation contribution of KAZC of 9.6% to the contribution of 9.88% of co-located KTSH and the contribution of 14.43% of KTEN (TV) produces a total of 33.91% or far below the maximum contribution of 100%. Therefore, it is thought that this instant application is in compliance with OET Bulletin Number 65. All calculations were made in the uncontrolled mode.

Further, the applicant will post warning signs in the vicinity of the tower warning of potential radiofrequency radiation hazards at the site and erect a fence to restrict casual trespassers and to make the tower base a controlled area. Because there are 3 co-located stations, maintenance periods will be coordinated so the public will suffer a minimum loss of service due to maintenance.

In addition, the applicant will reduce the power of the proposed facility or cease operation, as necessary, to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees? ☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A). (See also 47 C.F.R. Section 73.2080.)

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☒ Yes ☐ No ☐ Not applicable (minor change)

2. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☒ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section. 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name South Central Oklahoma Broadcasting, Inc.	Signature
Title President	Date 1/22/01
Typed or Printed Name of Person Signing Randall Christy	January 22,2001

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

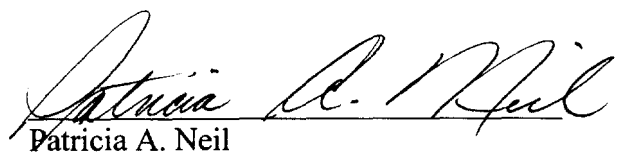
CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., certify that on this 29th day of January, 2001, copies of the foregoing were mailed, postage prepaid, to the following:

John A. Karousos, Esquire*
Federal Communications Commission
The Portals II
445 Twelfth Street, S.W.
Room 3-A266
Washington, D.C. 20554

Ms. Leslie K. Shapiro*
Federal Communications Commission
The Portals II
445 Twelfth Street, S.W.
Room 3-A360
Washington, D.C. 20554

Andrew S. Kersting, Esquire
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, D.C. 20037-1526
Counsel for Chisholm Trail Broadcasting Co.



Patricia A. Neil

(*) By hand delivery